

OFFICIALS

Joe Stear, Mayor
Greg McPherson, Council President
Richard Cardoza, Council Member
Warren Christensen, Council Member
John Laraway, Council Member



CITY OF KUNA
Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634

City Council Meeting
AMENDED AGENDA

Wednesday, November 4, 2020

Note: The regular City Council Meeting is moved to Wednesday to accommodate the election held on the first Tuesday of this November, the regular meeting date for Council.

6:00 P.M. REGULAR CITY COUNCIL

***Per the Order issued by Central District Health on July 14, 2020,
Social distancing and face masks will be required.***

***Due to social distancing protocol,
the Council Chambers Audience Occupancy Capacity is 15.***

The first 15 persons who appear, in addition to Mayor, City Council, and staff, will be allowed in Council Chambers. All other persons may access the meeting via Live Streaming.

Live Streaming Instructions:

Members of the public may watch the November 4, 2020 Council Meeting via Facebook Live.

Live feed will start at 6:00 P.M. on the City of Kuna Idaho Facebook page linked below:

<https://www.facebook.com/CityofKunaIdaho/>

For questions please call the Kuna City Clerk’s Office at (208) 387-7726.

Public testimony will be received on the cases listed under Public Hearings within this Agenda. The instructions and options available for public testimony are listed below.

APPLICANT/PUBLIC ORAL PUBLIC HEARING TESTIMONY PROCESS:

Written – Up to noon the day of the Public Hearing

1. Submit any below stated option **prior to noon the day of the Public Hearing meeting.**
Late submissions will not be included.
2. Submit testimony via our website on the [Public Testimony Form](#).
Kunacity.id.gov > Doing Business > Forms and Applications > Frequently Requested Applications and Forms > ONLINE Public Testimony Form
3. Submit testimony via email to PublicHearingTestimony@KunaID.gov
4. Submit via mail to:

City of Kuna
Attention: City Clerk’s Office
PO Box 13
Kuna, ID 83634

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk’s Office at (208) 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

Oral – Via electronic call during the Public Hearing

1. Submit request **no later than noon the day of the Public Hearing meeting.**
2. Email PublicHearingTestimony@KunaID.gov
 - ✓ Your name
 - ✓ Address
 - ✓ Phone Number you will be calling from to give testimony
 - ✓ Email Address
 - ✓ Date of Public Hearing
 - ✓ Case number or Identification of Public Hearing
3. Watch your email for a reply email with the information to join the meeting electronically. (Check your spam/junk folder as a precaution)
4. Follow the dial in information.
5. Call into the virtual lobby a minimum of 5 minutes prior to the meeting.

Oral – In Person Testimony during the Public Hearing.

All persons wishing to testify must, state their name and residential address. No person shall speak until recognized by the Mayor. A three (3) minute time limit will be placed on all testimonies.

PLEASE NOTE: Due to social distancing protocol, the Council Chambers Audience Occupancy Capacity is 15. The first 15 persons who appear, in addition to Mayor, City Council, and staff, will be allowed in Council Chambers.

*If you have questions regarding public testimony,
please call the Kuna City Clerk's Office at (208) 387-7726.*

1. Call to Order and Roll Call

2. Invocation: None

3. Pledge of Allegiance: Mayor Stear

Consideration to Amend the Agenda

(Council must move to amend the agenda per IC 74-204(4)(b))

Add new Section 10, Business Continued, with the following items:

- 10A Report on Mayor's removal of appointed officer,
- 10B Consideration to affirm Mayor's removal of appointed officer,
- 10C Report on appointment of officer on interim basis, and
- 10D Consideration to consent to Mayor's appointment of officer on interim basis

And changing Mayor/Council Announcements to Section 11 and Adjournment to Section 12.

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the

Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.

- A. Regular City Council Meeting Minutes Dated October 20, 2020
- B. Accounts Payable Dated October 29, 2020 in the amount of \$582,675.04
- C. Resolutions:

1. Resolution No. R51-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO REPEALING AND REPLACING RESOLUTION NOS. R9-2007 AND R43-2014; ADOPTING THE STEP AND GRADE POLICY FOR THE PUBLIC WORKS AND PARKS DEPARTMENTS AS ATTACHED HERETO; AND DECLARING AN EFFECTIVE DATE.

2. Resolution No. R59-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TOLL ID I, LLC, FOR THE WINDFIELD SPRINGS SUBDIVISION NO. 6 FOR UNCOMPLETED WORK INCLUDING LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

3. Resolution No. R60-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TOLL ID I, LLC, FOR THE WINDFIELD SPRINGS SUBDIVISION NO. 6 FOR UNCOMPLETED WORK INCLUDING FENCING PURSUANT TO THE TERMS OF THIS RESOLUTION.

4. Resolution No. R61-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TOLL ID I, LLC, FOR THE WINDFIELD SPRINGS SUBDIVISION NO. 7 FOR UNCOMPLETED WORK INCLUDING FENCING PURSUANT TO THE TERMS OF THIS RESOLUTION.

5. Resolution No. R62-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TOLL ID I, LLC, FOR THE WINDFIELD SPRINGS SUBDIVISION NO. 7 FOR UNCOMPLETED WORK INCLUDING LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

6. Resolution No. R65-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE KUNA MUNICIPAL IRRIGATION DISTRICT FOR THE 2021 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2021 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2021 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2021 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2021 IRRIGATION SEASON; ESTABLISHING BILLING POLICIES; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; REPEALING EXISTING FEES AND POLICIES AS PREVIOUSLY SET BY RESOLUTION, AND SETTING AN EFFECTIVE DATE.

- D. Final Approval of Findings of Fact, Conclusions of Law, and Order of Approval for Case Nos. 19-11-AN (Annexation) & 19-08-S (Preliminary Plat) Ashton Estates East Subdivision

5. *External Reports or Requests: None*

6. *Public Hearings:*

Due to current health precautions associated with the Coronavirus, the City of Kuna is providing alternative ways for the community to submit comments at public hearings. To learn more about the process for written and oral testimony please follow the directions above or call the City of Kuna Clerk's Office at (208) 387-7726.

- A. Ledgestone South Case Nos. 20-01-AN (Annexation) and 20-03-S (Preliminary Plat) – *Public Hearing continued from October 20, 2020*

1. Consideration to approve Findings of Fact & Conclusions of Law and close the Public Hearing– Jace Hellman, Planner II and Bill Gigray, City Attorney **ACTION ITEM**
2. Consideration to reconsider denial of Case No. 20-01-AN (Annexation) **ACTION ITEM**

- B. Public Hearing and consideration to approve Case Nos. 19-14-AN (Annexation) & 19-11-S (Subdivision) for the Patagonia East, Lakes, Ridge Subdivisions. – Troy Behunin, Planner III and Bonnie Layton, WHPacific Applicant **ACTION ITEM**

Applicant, WHPacific–NV5 requests approval for Annexation and Preliminary Plat. Applicant requests to annex approximately 173.80 ac into Kuna City limits, with three (3) zones throughout the project; the R-8 (Medium Density Residential [MDR]), R-6 and R-4 (MDR), zones. Applicant proposes a multi-phased master-planned development to be

known as Patagonia East, Lakes and Ridge Subdivisions (Patagonia East). Applicant requests Preliminary Plat approval in order to subdivide approx 173.80 ac into 561 Single family buildable lots, 54 common lots and one 10-acre school lot for Kuna School District. The project site is in Sections 7, 8 & 17, all in Township 2 North, Range 1 East (T2N,R1E), all three projects are at the intersection of Locust Grove and Hubbard Roads.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Potential Motions:

Consideration to either:

Option 1: *Approve or Deny Case Nos. 19-14-AN (Annexation) & 19-11-S (Subdivision) and Close the Public Hearing.*

Option 2: *Continue the Public Hearing to a time and date certain.*

- C. Public Hearing and Consideration to approve Case No. 19-08-AN (Annexation) for Black Rock Market Place – Troy Behunin, Planner III and TJ Angstman, Applicant **ACTION ITEM**

SH69 Holdings, LLC requests approval to annex approximately (approx) 40.82 acres (ac) into Kuna City limits in order to develop the same lands utilizing two separate zones; the R-20, High Density Residential (HDR) & C-2 (Area Commercial) zones. The R-20 HDR is proposed to be approx 13.22 ac in size, and the C-2 (Commercial) is proposed to be approx 27.45 ac. The applicant will propose multi-family housing units within the R-20 zone in the future, and Commercial uses will be proposed within the C-2 zone, in the future. The site is located at the hard-northwest corner of Meridian and Deer Flat Roads in Kuna, ID 83634, Section 13, Township 2 North, Range 1 West; (APN: S1313449900).

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Potential Motions:

Consideration to either:

Option 1: *Approve or Deny Case No. 19-08-AN (Annexation) and Close the Public Hearing*

Option 2: *Continue the Public Hearing to a time and date certain.*

7. Business Items:

- A. J&M Sanitation Franchise – Chad Gordon, J & M Sanitation

1. Consideration to approve Ordinance No. 2020-30 **ACTION ITEM**

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO:

- REPEALING ORDINANCE NOS. 578, 679 AND 2014-04; AND
- REPEALING CHAPTER 4 OF TITLE 8 KUNA CITY CODE; AND

- AMENDING TITLE 8 KUNA CITY CODE BY THE ADDITION THERETO OF A NEW CHAPTER 4 PROVIDING A SHORT TITLE, STATING AUTHORITY, PROVIDING DEFINITIONS, STATING FINDINGS OF PURPOSE AND INTENT, ESTABLISHING A SOLID WASTE COLLECTION SYSTEM AND SERVICE, PROVIDING FOR CONTRACTOR FRANCHISE AGREEMENT AND CONDITIONS FOR SOLID WASTE COLLECTION SYSTEM AND SERVICES, PROVIDING FOR CONTRACTOR SERVICES SCHEDULE AND FEES, ESTABLISHING COMPULSORY SOLID WASTE COLLECTION SYSTEM AND SERVICE USE BY PREMISES OWNERS AND OCCUPIERS, ALLOWANCE OF PERSONAL HAULING OF SOLID RECYCLABLE WASTE, PROVIDING FOR SOLID WASTE SANITARY CONTAINER REGULATIONS, PROVIDING FOR VOLUNTARY SUBSCRIPTION FOR COLLECTION OF RECYCLABLE WASTE, PROHIBITING AND DECLARING UNLAWFUL IDENTIFIED TYPES OF SOLID WASTE FROM COLLECTION, DEFINING AND DECLARING THEFT OF COLLECTION SERVICES AS UNLAWFUL, PROVIDING THAT THIS ORDINANCE APPLIES TO ALL CITY ANNEXATIONS, DECLARING DESCRIBING CIRCUMSTANCES WHERE THE PLACEMENT OF SOLID WASTE AND RECYCLABLE WASTE IS PUBLIC NUISANCE, PROVIDING FOR NOTICE TO VIOLATORS AND DECLARING A CONTINUED VIOLATION AS A MISDEMEANOR, PROVIDING FOR A PENALTY FOR VIOLATIONS OF CHAPTER 4 OF TITLE 8; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to Waive Three Readings of Ordinance

Consideration to Approve Ordinance

Consideration to Approve Summary Publication

2. Consideration to approve Ordinance No. 2020-31 **ACTION ITEM**

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO:

- FINDINGS OF HISTORY, AUTHORITY, PURPOSE AND INTENT; AND
- GRANTING TO J & M SANITATION, INC. A FRANCHISE FOR SOLID WASTE AND RECYCLABLE WASTE COLLECTION SERVICE AND AUTHORIZING THE THIRD AMENDED AND REFORMED FRANCHISE AGREEMENT; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to Waive Three Readings of Ordinance

Consideration to Approve Ordinance

Consideration to Approve Summary Publication

3. Consideration to approve Resolution No. R58-2020 ACTION ITEM

A RESOLUTION OF THE CITY COUNCIL OF THE KUNA, IDAHO:

- SETTING FORTH CERTAIN FINDINGS; AND
- AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY THE CITY OF KUNA ADMINISTRATIVE BILLING AGREEMENT WITH J & M SANITATION, INC.; AND
- DIRECTING THE CITY CLERK; AND
- SETTING AN EFFECTIVE DATE.

B. Consideration to appoint Tyson Garten's to the Planning and Zoning Commission – **Jace Hellman, Planner II** ACTION ITEM

8. Ordinances: None

9. Executive Session:

Convene Executive Session pursuant to:

Idaho Code Section 74-206 (1)(b)

- (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student

10. Business Continued

A. Report on Mayor's removal of appointed officer – Mayor Stear

B. Consideration to affirm Mayor's removal of appointed officer ACTION ITEM

C. Report on appointment of officer on interim basis. – Mayor Stear

D. Consideration to consent to Mayor's appointment of officer on interim basis. ACTION ITEM

11. Mayor/Council Announcements:

12. Adjournment: